

# DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

FILE: B-187092

DATE: August 18, 1976

61363

98662

MATTER OF: Crowe Rope Company

## DIGEST:

1. Protests concerning affirmative determinations of responsibility are no longer reviewed by GAO except for reasons not applicable in this case.
2. Conclusive authority to decide size status of a concern rests, by law, with Small Business Administration and is not a matter for consideration by this Office.
3. Protest that successful bidder will probably not comply with certain contract requirements is matter for resolution by agency in course of administration of contract, rather than matter for resolution under GAO Bid Protest Procedures.

This is a protest by Crowe Rope Company (Crowe) concerning the award of contract FPG-A-F-30294-A by the General Services Administration (GSA) to American Cotton Yarns, Inc. (American).

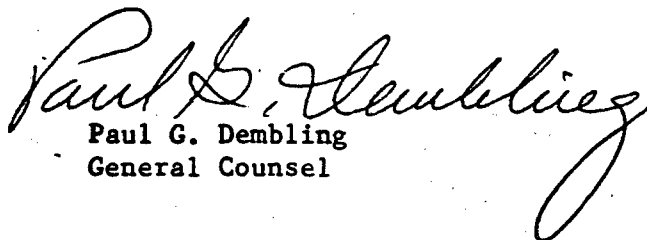
Crowe states that during the preceding year's contract between American and GSA, Crowe had manufactured various items for GSA under "releases" from American. However, in the course of that contract American terminated its dealings with Crowe and according to Crowe, erroneously represented to GSA that Crowe was still the manufacturer of the items involved. Crowe believes that American later represented to GSA that another firm was the new supplier of the goods but Crowe states that this firm was not in fact supplying these goods. As to the new solicitation, which is the subject of this protest, Crowe expresses doubt that the firms listed by American as suppliers for that contract will actually be used as such. In any case, Crowe believes that the prices bid by American on the new contract are so low as to call into question whether American intends to furnish rope which is manufactured by small business concerns and rope which is a domestic end item. Because of what it believes to be American's misrepresentations on the two contracts, Crowe, in effect, argues that American is not a responsible bidder and should be denied award of the new contract.

The record is unclear as to whether Crowe has a sufficient interest to protest this matter. In any event, this Office no longer reviews protests concerning affirmative determinations of responsibility, absent a showing of fraud on the part of contracting officials or other circumstances not stated here. Central Metal Products, Inc., 54 Comp. Gen. 66 (1974), 74-2 CPD 64. While we do consider protests involving negative determinations of a protester's responsibility in order to provide assurance against an arbitrary rejection of bids, affirmative determinations are based in large measure on subjective judgments which are largely within the discretion of the procuring officials who must suffer any difficulties resulting from a contractor's inability to perform.

While Crowe also may be objecting to American's small business size status, the protest is not for consideration by this Office because the Small Business Administration is vested, by law, with conclusive authority to determine a business concern's size status. Dynamic International, Inc., B-185337, January 7, 1976, 76-1 CPD 11.

Finally, to the extent that Crowe believes it is unlikely that American will comply with the contract requirements, such matters are for resolution by the contracting agency in the course of administration of the contract rather than for resolution under GAO Bid Protest Procedures.

Accordingly, the protest is dismissed.

  
Paul G. Dembling  
General Counsel